

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STEPHANIE DILLEY,  
APPELLANT  
vs.**

**MICHAEL VALENTINE, ET AL.,  
RESPONDENT**

---

DOCKET NUMBER WD74790

DATE: JUNE 18, 2013

---

Appeal from:

The Circuit Court of Jackson County, Missouri  
The Honorable Ann Mesle, Judge

---

Appellate Judges:

Division One: Mark D. Pfeiffer, P.J., Victor C. Howard and Alok Ahuja, JJ.

---

Attorneys:

David S. Baker, for Respondent

---

**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**STEPHANIE DILLEY, APPELLANT**

**v.**

**MICHAEL VALENTINE, ET AL., RESPONDENT**

WD74790

Jackson County, Missouri

Before Division One: Mark D. Pfeiffer, P.J., Victor C. Howard and Alok Ahuja, JJ.

Stephanie Dilley appeals the trial court's summary judgment entered in favor of Michael Valentine and his employer, the City of Independence, Missouri (City), on her claims for damages for injuries she sustained when a fleeing vehicle struck her car at the conclusion of a police pursuit.

**AFFIRMED IN PART, REVERSED IN PART, REMANDED.**

Division One holds:

(1) Where the facts in this case are very similar to those in *Stanley v. City of Independence*, 995 S.W.2d 485 (Mo. banc 1999), which held that a pursuing officer was not the proximate cause of a collision between a fleeing suspect and an innocent third party, *Stanley* is controlling on Ms. Dilley's negligence claims, and Officer Valentine and the City were entitled to judgment as a matter of law on those claims.

(2) Where *Stanley* involved only claims for negligence, not recklessness, and did not analyze or decide proximate cause for a recklessness claim and where Officer Valentine and the City's motion for summary judgment asked generally for summary judgment on all claims based on *Stanley* and did not contain a legal basis explaining why they were entitled to summary judgment on Ms. Dilley's recklessness claims, the trial court erred in granting summary judgment on Ms. Dilley's recklessness claims.

(3) Where as a police officer, Officer Valentine performs some portion of the sovereign functions of the government, to be exercised for the benefit of the public, he is a public officer within the meaning of the law and falls within the designation of "other officer" within the meaning of section 516.130.1, the three-year statute of limitations. Additionally, where at the time of the incident, Officer Valentine was working as a police officer and was in pursuit of a fleeing suspect who he had tried to stop after observing several traffic violations, he was acting in his official capacity within the meaning of the statute. The action against Officer Valentine filed more than three years after the accident is, therefore, barred by section 516.130.1, and summary judgment in his favor was proper.

**Opinion by: Victor C. Howard, Judge**

**Date: June 18, 2013**

This summary is *UNOFFICIAL* and should not be quoted or cited.